

### **REMARKS**

The applicant has had an opportunity to carefully consider the Examiner's Office Action of November 6, 2003 and believes this amendment is fully responsive to every point raised by the Examiner. Reconsideration of the application is respectfully requested. Claims 1-20 remain in the application after this amendment is entered.

### **THE OFFICE ACTION:**

The drawings are objected to because the IP router 112 is not shown in Figures 1-3.

Claims 1, 2, 11-13, and 15 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,269,082 to Mawhinney et al. (Mawhinney).

Claims 3-10, 14, 16-18, 19, and 20 are allowed.

### **THE NON-ART OBJECTIONS AND REJECTIONS:**

#### **The Drawings Show Every Feature of the Invention Specified in the Claims.**

The Examiner has objected to the drawings because the IP router 112 is not shown in Figures 1-3. However, as of Amendment A to the above-identified patent application filed on July 28, 2003, the IP router 112 is identified in Figure 4. Hence, the applicant respectfully disagrees with the Examiner's objection to the drawings and directs the Examiner's attention to page 8, lines 3-7 of the originally-filed specification which describes how the packet switching gateway 113, ATM MUX 116, and IP router 112 relate to each other. Accordingly, the applicant respectfully requests that the Examiner withdraw the current objection to the drawings.

### **THE ART REJECTIONS:**

#### **Claims 1, 2, 11-13, and 15 Patentably Distinguish Over Mawhinney.**

The Examiner has rejected claims 1, 2, 11-13, and 15 under 35 U.S.C 102(e) as anticipated by Mawhinney. In support, the Examiner states "Mawhinney teaches a

method for performing network diagnostics... which include both circuit switching and packet switching components." The Examiner goes on to state that "Mawhinney explicitly teaches [that] DTEs are circuit switching components[s] that assembled/reassembled at the ATM DSU" and references Figure 2 for support.

The applicant respectfully disagrees. The originally-filed application provides the following definition for "circuit switching" at page 2, lines 15-18:

"Such direct electrical connection of two or more channels between two points (at least one channel in each direction), a connection that provides a user with exclusive use of the channels to exchange information, is referred to as circuit switching, or line switching."

Additional discussion of circuit switching is found in the originally-filed application, for example, at page 2, line 18 to page 3, line 1. In this area, time division multiplexing (TDM) is identified as an example of circuit switching design and Lucent's 5ESS switch is identified as a commercial example of circuit switching. The originally-filed application goes on to distinguish circuit switching and packet switching. An example of packet switching identifies the use of asynchronous transfer mode (ATM) techniques (see page 3, lines 12-16).


In contrast to the claimed invention, Figure 2 of Mawhinney discloses a hybrid ATM/frame relay network. The network includes data terminal equipment (DTE) 133, 136, 139, 141, 143, 146 coupled to routers 106, 109, 111, 126, 129, 131. The DTE's generate data to be transmitted across the virtual circuit 103 in data frames according to frame relay format. The hybrid nature of the network shown in Figure 2 is based on the ATM network 116 and the frame relay network 121, which are both coupled to the ATM/frame relay translation device 119. Notably, both the ATM network and the frame relay network are packet switching networks (column 2, lines 8-9). Mawhinney does not describe the DTE's as circuit switching components. In fact, Mawhinney's only discussion of circuit switching is in the first paragraph of the Background at column 1, lines 37-53. Therefore, Mawhinney does not disclose a telecommunication system with a circuit switching component as recited in independent claims 1, 11, and 12.

Based on the foregoing, Mawhinney does not anticipate independent claims 1, 11, and 12. Therefore, the applicant submits that independent claims 1, 11, and 12 and claims dependent thereon (claims 2, 13, and 15) are currently in condition for allowance.

#### CONCLUSION

In view of the above remarks, the applicant submits that the present application is in condition for allowance. Notice of such allowance is hereby respectfully requested.

Respectfully submitted,  
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